

APPENDIX:L

Archaeological Subsurface Testing Elmwood Surplus Lands Milpitas, Santa Clara County, California



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September 2003

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EXECUTIVE SUMMARY

Mechanical archaeological subsurface testing was undertaken on July 21 - 25, 2003, by William Self Associates Inc. (WSA), at the Elmwood Surplus Lands in Milpitas, California, on behalf of K B Home, Inc. A series of 26 backhoe trenches covering a total of 2,315 linear feet was excavated in an effort to locate and define any buried cultural resources in an area that was considered in previous assessments to have a high potential for yielding prehistoric midden and burials.

No evidence of buried cultural resources was encountered during the trenching effort, which sampled only 0.003 percent of the total surface area of the project site (to a depth of 5 feet). Therefore, the negative result of the testing does not serve as an indication that buried cultural deposits are not present in the project area, but the testing does suggest that it is unlikely that there are large concentrations of prehistoric burials like those found at site CA-SCL-38, which is situated just south of the project area. The possibility remains that future ground disturbance related to construction on the site may reveal buried cultural deposits. There will always be some level of risk that construction related grading and trenching will lead to the discovery of archaeological materials and/or human remains that would need to be mitigated.

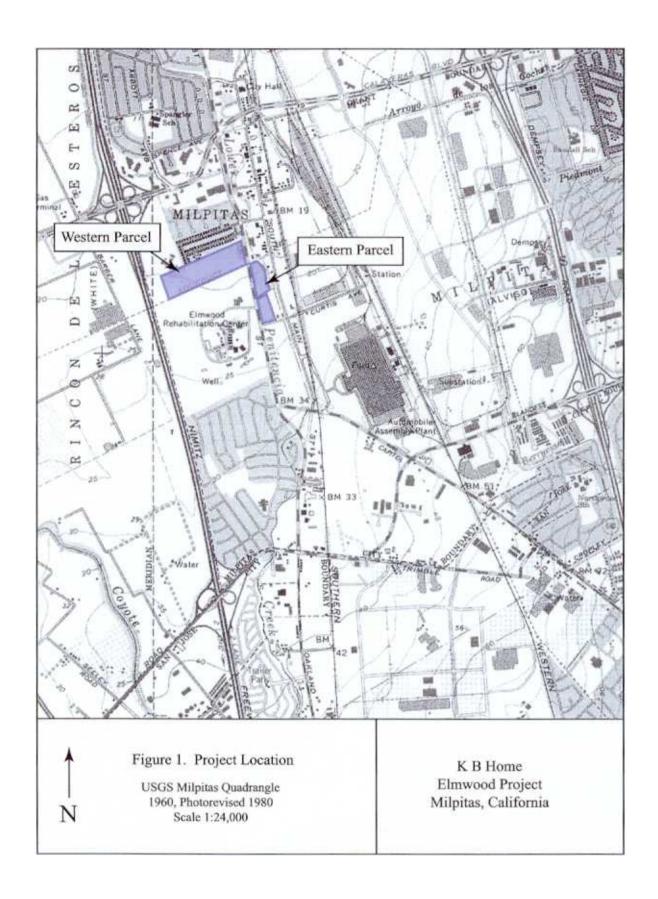
PROJECT LOCATION

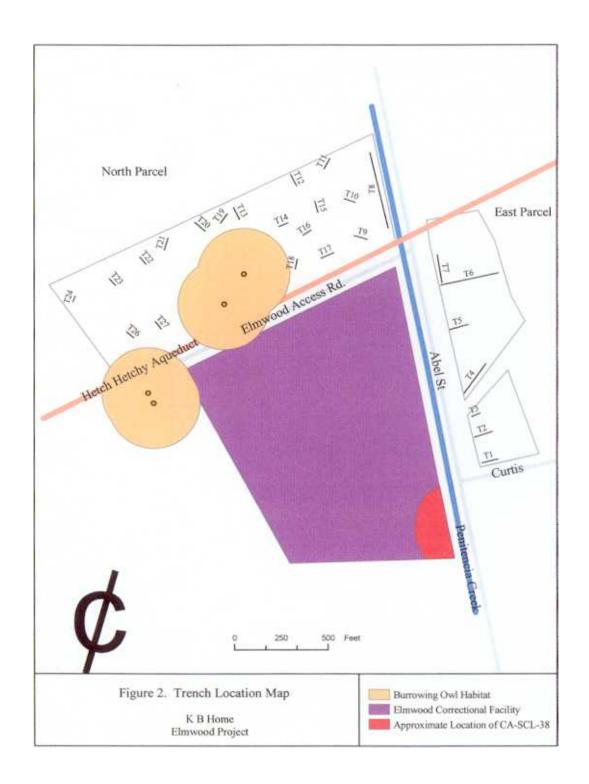
WSA implemented a mechanical subsurface testing program for cultural resources on two parcels within the Elmwood Surplus Lands in Milpitas, California. The project area is located in Township 6 South, Range 1 East on the Milpitas, California 7.5' USGS topographic quadrangle (Figure 1). The parcels are adjacent to the Elmwood Correctional Facility (Figure 2):

- Northern Parcel: a former golf driving range and open field bordered by Highway 880 on the west, housing on the north, South Abel Street on the east, and the Elmwood Correctional Facility access road on the south.
- Eastern Parcel: open fields bordered by South Abel Street on the west, West Curtis Street on the south, commercial buildings on the east, and a YMCA facility on the north.

PROJECT DESCRIPTION

The Elmwood Surplus Lands are under consideration for development according to the Midtown Specific Plan of Milpitas, California (Santa Clara County 2002). The Specific Plan land use designation for the majority of the 47-acre site is *General Commercial*, but the ten acres fronting Abel Street and the Hetch-Hetchy aqueduct easement is designated for *Parks and Recreation* use and the 9.8-acre portion of the site on the east side of Abel Street has a *Multifamily Very High Density Residential* (31-40 dwelling units/acre) land use designation.





Previous archaeological investigations of the Elmwood Surplus Lands indicate that a high potential for buried cultural resources – especially prehistoric middens and burials – exists within the general area (Holman 2002). The Environmental Constraints Memorandum for the Elmwood Surplus Lands Development Plan recommends that the lands be subjected to mechanical subsurface testing prior to development in an effort to locate buried cultural resources (Holman 2002). The current report details the results of the archaeological subsurface testing undertaken by WSA on behalf of K B Home, Inc. on the northern and eastern parcels of the Elmwood Surplus Lands.

RECORD SEARCH

A record search requested by WSA was completed by the staff of the California Historic Resource Information System's Northwest Information Center at Sonoma State University on July 11, 2003. The project area and an area within a one-quarter mile radius has been the subject of 36 cultural resources reports (Baker 1991; Baker and Shoup 1990, 1991; Bellifemine 1998; Bellifemine et al. 1998; Brack et al. 1991; Busby 1994, 1995a, 1995b; Busby et al. 1996a, 1996b; Buss 1985; Cambra et al. 1998; Cartier 1980, 1981, 1984, 1985a, 1985b, 1987a, 1987b, 1989, 1998; Cartier and Eckert 1997; Cartier et al. 1996, 1997, 1988, 1992; Chavez and Hupman 1990; Chavez et al. 1988; Corbett 1986a, 1986b; Dietz 1976; Gross 1986; Heidecker 2000; Jones et al. 1993; Krase and Gross 2001; Laffey 1989).

One prehistoric archaeological site (CA-SCL-38) has been recorded in the vicinity of the project area. It is located immediately south of the project area on the west side of Abel Street and within the Elmwood Correctional Facility. The site is an extensive burial ground that has been mitigated in the course of construction within the correctional facility (Bellifemine et al. 1998) (see Figure 2). There remains a strong likelihood that other prehistoric middens and burial grounds lie buried along the banks of Penitencia Creek. The creek has been channelized, so that the modern day channel does not necessarily follow the natural course that the creek took in the past. Even though maps from 1876 (Thompson and West) and 1899 (USGS San Jose Quadrangle) show the creek more or less in its present-day position, the creek may have deviated considerably from this course in the remote past. This makes identifying the location of cultural deposits more problematic.

BACKGROUND

The buried prehistoric deposits anticipated by this study would be related to the Costanoan or Ohlone linguistic group, who occupied the area ranging from the San Francisco Peninsula on the west to both sides of the Carquinez Straits in Contra Costa County on the east, and south to Monterey Bay. Detailed information on the Ohlone is presented in many cultural resources reports and will not be repeated here (e.g., Bellifemine et al. 1998). Archaeological traces of Ohlone occupation may include the remains of structures such as pithouses or fire hearths for

cooking (circular depressions and concentrations of fire-affected rock); midden soils (very dark gray-brown to black soils with charcoal and ash); the remains of butchered and cooked animals; implements made from ground stone, flaked stone, or bone; shell beads and ornaments; and human remains that may have been cremated, or partially cremated and then placed in burial pits.

METHODS

In the greater San Francisco Bay Area, buried prehistoric deposits are known to be clustered near creeks in the flat lands between the Bay and the foothills. There is a history of archaeological research in the San Jose area that establishes that this pattern holds for Penitencia Creek (Holman 2002). Because the ancient course of the creek is unknown, WSA archaeologists directed a backhoe operator to dig a series of linear trenches that were spread out across the project area (Figure 2) in a way that offered the broadest possible coverage of the site. Trenches 1 through 8 were placed along the present-day channel of Penitencia Creek to maximize the exposure there. Trenches 9-26 were scattered widely across the project area to maximize coverage of the remaining area, while at the same time avoiding the protected habitat zones of the burrowing owl, the Hetch-Hetchy aqueduct right-of-way, and existing buried electrical lines and structural hazards.

The testing program was conducted by WSA Project Manager Dr. Heather Price, who was assisted by Staff Archaeologists Jennifer Price and Aimee Arrigoni. During the testing program, one archaeologist monitored the removal of sediment from the trench by the backhoe, which was equipped with a three-foot-wide bucket. Two archaeologists recorded the stratigraphy of the excavated sidewalls every 30 feet. Vertical and horizontal changes in soil color, texture, compaction, and inclusions were recorded on a profile sketch, and photographs were taken at each 30-foot interval. WSA Staff Archaeologist Kyle Kearney mapped all trench locations using a Trimble GPS Geo XT data collector and the ArcView 8.3 GIS mapping program.

In archaeological excavations, cultural sediments are defined and identified by color and inclusions. Prehistoric middens in this area, for example, are characterized by a very dark grayish brown-to-black color, flecks of charcoal and shell fragments, and concentrations of fire-affected rock. Occasionally lenses of ash or excavated pits are encountered. Prehistoric materials that might be encountered within the soils and sediments could include the remains of animals that have been exploited for food or raw materials (whole and fragmented, burned and unburned animal bone); animal bone that has been modified to form tools; flaked stone tools (e.g., obsidian projectile points) and tool-making debris; ground stone tools such as mortars and pestles; shell beads and ornaments; and human remains. Historic materials might include structural remains such as brick, wood, nails, wire, or adobe; landscape features such as fences, ditches, or nonnative plantings; and the remains from every day living such as glass, metal, and ceramic artifacts (whole or fragmented).

TRENCHING RESULTS

The locations of the 26 trenches are depicted in Figure 2. A brief description of each trench is provided below, which includes a trench profile illustration and soil/sediment descriptions. Profile and soil descriptions are generalized for each trench, as only minor changes in soil type, color, and depth were observed within the individual trenches. All trenches were excavated to a standard depth of five feet, with the exception of Trenches 1-6, which were initially excavated to greater depths for exploratory purposes.

Eastern Parcel



Southern portion of parcel, view south

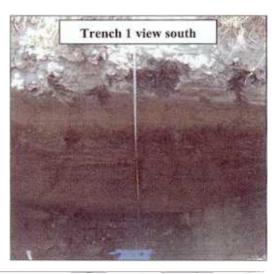


Northern portion of parcel, view north

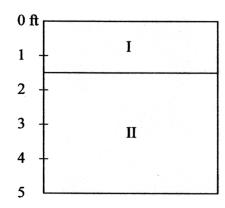
The southern portion of the eastern parcel is a vacant lot with uneven surface covered with patchy weeds. The parcel is unevenly covered with gravelly fill. The northern portion of the eastern parcel is also a vacant lot that shows signs of having been disked and planted with oat hay. Portions of the area are overgrown with patches of weeds. Numerous animal burrows are present. The southern and northern portions of the parcel are separated by a double row of elm trees that are of historic value to the City of Milpitas.

Trench 1

This 100-foot long trench began near the northeast corner of Abel and Curtis streets and was oriented at 60° (magnetic north). Trench 1 was placed in the portion of the project area that lies closest to the recorded location of archaeological site CA-SCL-38. The first segment of the trench was excavated to a depth of 10 feet in an effort to observe the soil development and to assess the potential for deeply buried cultural deposits. Brown silty sand was



discovered six feet below the surface level, and the trench began filling with groundwater at a depth of ten feet. No cultural deposits were observed.

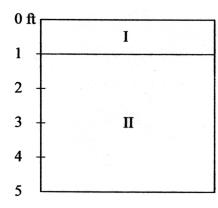


I: Munsell color 5Y 8/2 – Pale Yellow Silty sand with gravel inclusions (80%)

II: Munsell color 2.5Y 4/2 – Dark Grayish Brown Silty clay with gravel and pebble inclusions (25%)

Trench 2

A second 100-foot trench was begun at the edge of Abel Street parallel to and approximately 100 feet north of Trench 1, at an orientation of 60° (magnetic north). The first segment of the trench was excavated to a depth of 11 feet in an effort to observe the soil development and to assess the potential for deeply buried cultural deposits. Bay mud was discovered 10 feet below the surface level and groundwater began filling the trench at a depth of 11 feet. No cultural material was observed.

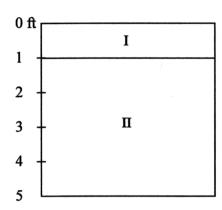


I: Munsell color 5Y 8/2 – Pale Yellow Silty sand with gravel inclusions (80%)

II: Munsell color 2.5Y 4/3 - Olive Brown Silty sand with pebble inclusions (<1%)

Trench 3

Trench 3 was begun in the northwest corner of the first vacant lot just south of the row of elm trees. This trench was oriented at 30° (magnetic north) and extended for a length of 50 feet. The first segment of the trench was excavated to a depth of 10 feet in an effort to see the soil development and to assess the potential for deeply buried cultural deposits. Bay mud was discovered at 9 feet below the surface level. No cultural deposits were found.

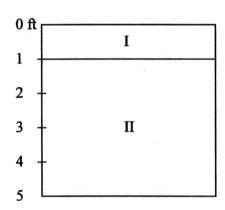


I: Munsell color 2.5Y 5/2 – Grayish Brown Silty soil with gravel inclusions (50%)

II: Munsell color 2.5Y 4/3 – Olive Brown Sandy silt with pebble inclusions (10%)

Trench 4

Trench 4 was placed north of the row of elm trees in the vacant lot that had been disked and planted in oat hay. The trench extended at an orientation of 25° (magnetic north) for a distance of 200 feet. The first segment of the trench was excavated to a depth of 9.5 feet in an effort to see the soil development and to assess the potential for deeply buried cultural deposits. Groundwater began filling the trench at 9 feet below the surface level. No cultural material was observed.

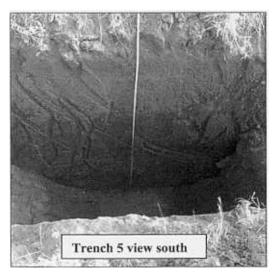


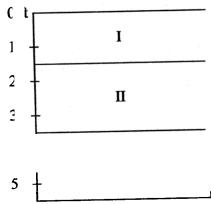
I: Munsell color 2.5Y 5/3 – Light Olive Brown Silty soil with gravel inclusions (50%)

II: Munsell color 2.5Y 4/4 – Olive Brown Sandy silt with no inclusions

Trench 5

Trench 5 was placed 300 feet north of Trench 4 and extended for 100 feet at an orientation of 60° (magnetic north) beginning at the edge of the parcel at Abel Street. The first segment of the trench was excavated to a depth of 12 feet in an effort to see the soil development and to assess the potential for deeply buried cultural deposits. Groundwater began filling the trench at 11.5 feet below the surface level. No cultural material was observed.





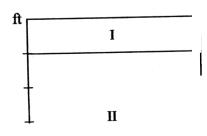
I: Munsell color 10YR 6/3 - Pale Brown Silty clay with no inclusions

II: Munsell color 10YR 5/4 - Yellowish Brown Sandy silty clay with no inclusions

Trench 6

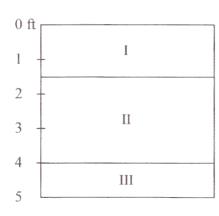
Trench 6 was placed 300 feet north of and parallel to Trench 5, at an orientation of 60° (magnetic north). The trench continued for 314 feet, covering the entire width of the parcel. The

de . ____ ay soil was discovered at 11 5 feet below the surface level. No cultural ma



Silty clay with no inclusions

Trench 7



I: Munsell color 10YR 6/2 - Light Brownish Gray Silty clay with gravel inclusions (<5%)

II: Munsell color 10YR 4/3 - Brown Silty clay with no inclusions

III: Munsell color 10YR 3/2 - Very Dark Grayish Brown Clay soil with no inclusions

Northern Parcel





Eastern portion of parcel, view east

Western portion of parcel, view west

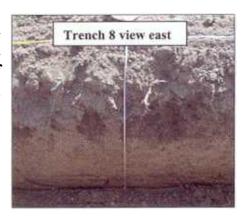
The eastern half of the northern parcel is a vacant lot that has been disked and planted in oat hay. Patches of weeds have begun to take over. The western half of the northern parcel is fenced in and consists of an abandoned miniature golf course and driving range. The ground surface in the driving range has large patches of imported sand, a patchwork of artificial mounds and dips, and has been taken over by a variety of weeds. Animal burrows are abundant. The miniature golf course is situated to the west, near Highway 880. It has a paved parking lot, three small buildings, numerous wooden posts, landscaping, cement walkways, artificial turf carpeting, and numerous electrical and water lines. This area has also been overtaken by weeds and there are abundant animal burrows. Both the miniature golf course and the driving range have buried irrigation systems (PVC pipe and wiring) that were frequently encountered during the trenching.

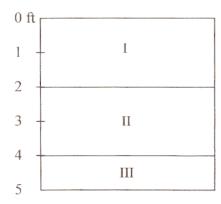
The Hetch Hetchy Aqueduct stretches along the southern border of this parcel. An 80-foot buffer zone has been designated in order to stay out of the right-of-way. There are four burrowing owl nests within or adjacent to the northern parcel. These were each given a 75-meter (ca. 250 feet)

radius buffer zone in order to meet the requirements of protected species laws. The aqueduct and owl buffer zones were staked and all trenching was located outside of the staked buffer zones.

Trench 8

The first trench was placed parallel to the Penitencia Creek channel and extended along the length of the parcel from south to north a distance of 450 feet at an orientation of 330° (magnetic north). No cultural material was encountered.





I: Munsell color 2.5 Y 5/2 - Grayish Brown Clayey silt with no inclusions

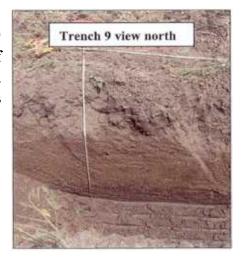
II: Munsell color 2.5Y 5/4 - Light Olive Brown Clayey silt with no inclusions

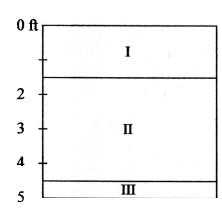
III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Silty Clay with no inclusions

Trenches 9 through 18 were 50-foot trenches that were scattered across the remainder of the eastern half of the northern parcel. Refer to Figure 2 for their locations.

Trench 9

This 50-foot trench was oriented at 270° (magnetic north). No cultural material was encountered. The photo of Trench 9 is representative of Trenches 9 through 18 in the eastern half of the northern parcel. The three strata (I through III) remain more or less the same in character and vary only in thickness across the site.





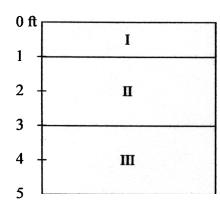
I: Munsell color 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/4 - Olive Brown Sandy Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

Trench 10

This 50-foot trench was oriented at 280° (magnetic north). No cultural material was encountered.



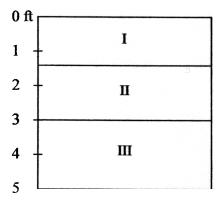
I: Munsell color 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/4 - Olive Brown Sandy Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

Trench 11

A 50-foot trench oriented at 200° (magnetic north) yielded no cultural material.

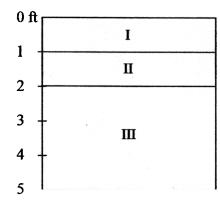


I: Munsell color 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/4 - Olive Brown Sandy Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

This 50-foot trench was oriented at 140° (magnetic north). No cultural material was encountered.



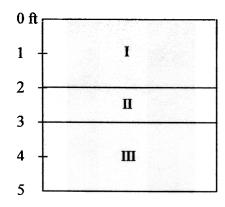
I: Munsell color 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/4 - Olive Brown Sandy Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

Trench 13

A 50-foot trench was oriented at 140° (magnetic north). No cultural material was encountered.



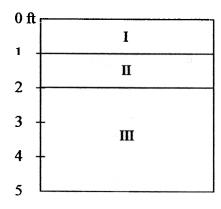
I: Munsell color 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/4 - Olive Brown Sandy Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

Trench 14

This 50-foot trench was oriented at 50° (magnetic north). No cultural material was encountered.

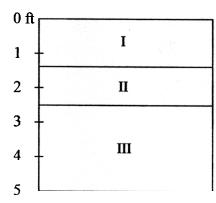


I: Munsell color 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/4 - Olive Brown Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

A 50-foot trench oriented at 150° (magnetic north) yielded no cultural material.



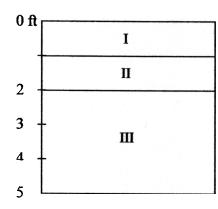
I: Munsell color 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/4 - Olive Brown Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

Trench 16

This 50-foot trench was oriented at 230° (magnetic north). No cultural material was encountered.



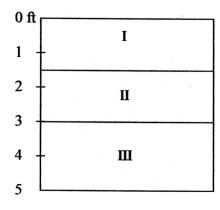
I: Munsell color 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/4 - Olive Brown Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

Trench 17

This 50-foot trench was oriented at 60° (magnetic north). No cultural material was encountered.

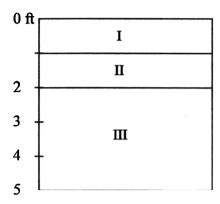


I: Munsell color: 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/4 - Olive Brown Sandy Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

A 50-foot trench was oriented at 355° (magnetic north). No cultural material was encountered.



I: Munsell color 2.5Y 3/2 - Very Dark Grayish Brown Silty clay with no inclusions

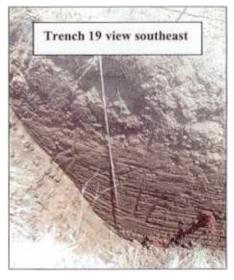
II: Munsell color 2.5Y 4/4 - Olive Brown Sandy Silty Clay with no inclusions

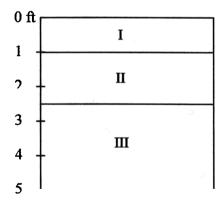
III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

Trenches 19 through 27 were 50-foot trenches scattered throughout the western half of the northern parcel, placed so as to avoid wooden posts, electrical installations, burrowing owl nests, and other obstacles. Refer to Figure 2 for their mapped locations. Trenches 19 through 21 exhibit three strata. Trenches 22 through 27 show only Strata I and II. Stratum III drops below the 5-foot depth in this portion of the site.

Trench 19

A 50-foot trench was oriented at 200° (magnetic north). No cultural material was encountered.





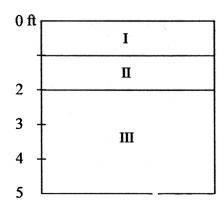
I: Munsell color 2.5Y 4/2 - Dark Grayish Brown Silty clay with no inclusions

H. Munsell color 2.5Y 6/4 - Light Volley in Brown

II: Munsell color 2.5Y 6/4 - Light Yellowish Brown Silty sandy clay with no inclusions

III: Munsell color 2.5Y 4/4 - Olive Brown Sandy clay with no inclusions

This 50-foot trench was oriented at 110° (magnetic north). No cultural material was encountered.



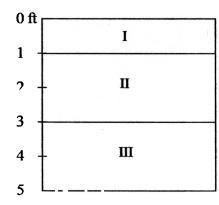
I: Munsell color 2.5Y 4/2 - Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 6/4 - Light Yellowish Brown Silty sandy clay with no inclusions

III: Munsell color 2.5Y 4/4 - Olive Brown Sandy clay with no inclusions

Trench 21

A 50-foot trench oriented at 185° (magnetic north) yielded no cultural material.



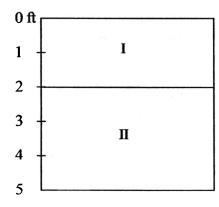
I: Munsell color 2.5Y 5/4 - Light Olive Brown Silty clay with no inclusions

II: Munsell color 2.5Y 6/4 - Light Yellowish Brown Sandy Silty Clay with no inclusions

III: Munsell color 2.5Y 4/2 - Dark Grayish Brown Clay soil with no inclusions

Trench 22

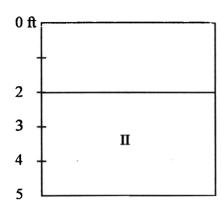
A 50-foot trench was oriented at 130° (magnetic north). No cultural material was encountered.



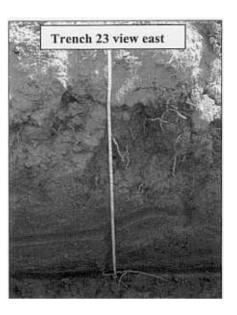
I: Munsell color 2.5Y 5/4 - Light Olive Brown Silty clay with no inclusions

II: Munsell color 2.5Y 5/4 - Light Olive Brown Sandy silty clay with no inclusions

A 50-foot trench was oriented at 130° (magnetic north). The surface soil in this area includes a thin layer of sand left over from the old golf course. No cultural material was encountered.

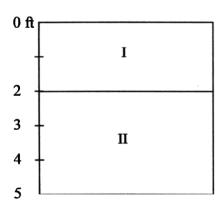


I: Munsell color 2.5Y 5/4 - Light Olive Brown
Silty clay with gravel and cobble inclusions (10%)
II: Munsell color 2.5Y 5/4 - Light Olive Brown
Sandy silty clay with no inclusions



Trench 24

A 31-foot trench was oriented at 70° (magnetic north). The trench was abbreviated due to buried obstructions and the proximity of electrical and water utilities. No cultural material was encountered.



I: Munsell color 2.5Y 5/4 - Light Olive Brown Silty clay with gravel and cobble inclusions (10%)

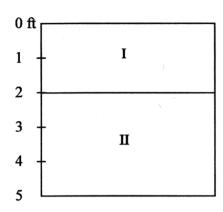
II: Munsell color 2.5Y 5/4 - Light Olive Brown Sandy silty clay with no inclusions

Trench 25

This trench was abandoned almost immediately due to numerous buried obstructions such as irrigation pipes.

Trench 26

A 50-foot trench was oriented at 320° (magnetic north). The surface soil in this area includes a thin layer of sand that remains from the old golf course facilities. No cultural material was encountered.



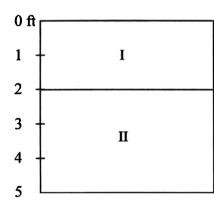
I: Munsell color 2.5Y 5/2 - Dark Grayish Brown Silty clay with pebble and gravel inclusions (5%)

II: Munsell color 2.5Y 4/4 - Olive Brown Sandy silty clay with no inclusions

Trench 27

A 50-foot trench was oriented at 130° (magnetic north). No cultural material was encountered. A

white PVC irrigation pipe extends from the trench wall and a thin layer of light gray fine-grained sand coats the fresh upper surface of the trench.



I: Munsell color 2.5Y 4/2 - Dark Grayish Brown Silty clay with no inclusions

II: Munsell color 2.5Y 4/3 - Olive Brown
Sandy silty clay with no inclusions



SUMMARY AND CONCLUSION

Following the recommendation of the consulting archaeologist for the Santa Clara County Environmental Constraints Memorandum for the Elmwood Surplus Lands Development (Holman 2002), a comprehensive mechanical subsurface testing program was carried out by WSA for the surplus lands project in July, 2003. The five days of trenching on the combined 53-acre parcels failed to yield any evidence of buried cultural material, including cultural soils (middens), features, or artifacts. A total of 2,315 linear feet of trenches was excavated across the vacant lots that border the Elmwood Correctional Facility on the eastern and northern sides. These trenches were excavated to a depth of at least five feet. The trenches sampled 0.003 percent of the total surface area of the project area (to a depth of five feet). The negative results obtained by the testing showed that the cultural deposits such as the large, widespread concentrations of burials found at CA-SCL-38 probably do not extend to the project parcels.

Because of the proximity of the prehistoric site CA-SCL-38, and the proximity of Penitencia Creek, it was anticipated that some buried cultural deposits might exist within the project area. The negative trenching results reduce the likelihood that such prehistoric deposits exist. However, the testing represents a minute sample of the total area. The possibility remains that dispersed burials, non-burial prehistoric features, or small historic features could exist on the project parcels where test excavations were not conducted. It is possible that buried cultural resources will be discovered by the more extensive subsurface ground disturbance during construction.

RECOMMENDATIONS

It is recommended that any future ground disturbing activities on these properties be monitored by a qualified archaeologist to insure that the accidental discovery of significant archaeological materials and/or human remains is handled according to CEQA regulations. There will always be some level of risk that construction-related grading and trenching may lead to the discovery of archaeological materials and/or human remains that would need to be mitigated.

In the event that buried cultural remains are encountered, construction must be temporarily halted until a mitigation plan can be developed. In the event that human remains are encountered, the project proponent must halt work in the immediate area and contact the Santa Clara County coroner. The coroner will then contact the Native American Heritage Commission (NAHC) which will in turn contact the appropriate Most Likely Descendent (MLD). The MLD will then have the opportunity to make a recommendation for the respectful treatment of the Native American remains and related burial goods.

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